

REMARKS

In the Office Action under reply, the Examiner has rejected the claims as follows:

1. Under the judicially created doctrine of obviousness-type double patenting over the claims of copending U. S. Patent Application No. 09/929,771. (claims 106, 109, and 110); and
2. Under 35. U.S.C. §112, first paragraph, as not enabled (claims 109 and 110).

Additionally, the Examiner has refused to delete the reaction schemes on pages 28 and 46 and to enter the replacement tables submitted with the previous response on the ground that the instructions provided in the previous response were not sufficiently clear. Additional informalities in the tables were also commented upon.

With the above amendments, claims 109 and 110 have been canceled. Thus, claims 98, 99, and 106 remain pending in the application.

The Examiner's rejections and objections are addressed, in part, by the above-amendments and are otherwise traversed by the arguments presented below.

THE AMENDMENTS TO THE SPECIFICATION

The reaction schemes that were objected to have been deleted from the specification.

Tables 1-3, and 7 have been amended to correct various informalities.

THE AMENDMENTS TO THE CLAIMS

Claims 109 and 110 have been canceled. Cancellation of these claims is without prejudice, without intent to acquiesce in any rejection of record, and without intent to abandon any previously claimed subject matter. The Applicants reserve the right to reintroduce the canceled claims in a continuing application.

No new matter has been added to the application by way of these specification and claim amendments.

THE OBJECTIONS TO THE SPECIFICATION:

The Examiner has raised a number of objections to the Tables. They are addressed, in turn, below.

The Objection to the Instructions for Entry:

The Examiner objected to the instructions provided in applicants previous request to delete the reactions schemes on pages 28 and 46 and to the request for replacement of Tables 1, 3, and 7. Greater detail has been provided in the present response and the Examiner should be able to make the requested corrections to the specification.

The Objection to the 19th Entry in Table 7:

The Examiner has objected to the amendment of the 19th entry in Table 7 to read from 3-pyrroline to 3-OH-pyrrolidino. In response, applicants have removed the proposed modification from the replacement tables submitted herewith.

The Objection to the Underscoring:

All underscoring has been removed from the replacement tables.

The Objection to the Pyrrolomethylamino Substituents in Table 2:

The Examiner has objected to these substituents as they are clearly in error. In response, applicants have deleted these entries from Table 2.

THE OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION:

The Examiner has rejected claims 106, 109, and 110 under the judicially reacted doctrine of obviousness-type double patenting over claims 48, 79, et al. of copending U.S. Patent Application Serial No.09/929,771. In response, applicants are submitting a Terminal Disclaimer with the present communication, disclaiming the terminal portion of any patent issuing on the present continuing application that would extend beyond the term of any patent that might issue from U. S. Patent Application Serial No.09/929,771. Submission of this Terminal Disclaimer is not intended as acquiescence in the double patenting rejection, but is solely for the purpose of expediting prosecution.

THE ENABLEMENT REJECTION UNDER 35. U.S.C. §112, FIRST PARAGRAPH:

Claims 109 and 110 have been rejected as lacking enabling disclosure in the specification. Applicants disagree but have cancelled the rejected claims in an effort to expedite prosecution. Applicants fully intend to pursue the method claims in a later continuing application.

CONCLUSION

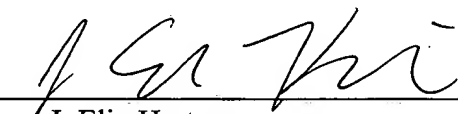
For the foregoing reasons, applicant submits that the claims comply with the requirements of 35. U.S.C. §§112 and are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

Should the Examiner have any questions regarding this amendment, he or she is welcomed to contact the undersigned attorney at (650) 384-8755. Applicants respectfully request that all further communication be sent to the undersigned attorney at the following address:

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Respectfully submitted,

Date: 11/11/2003

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